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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,676	04/07/2004	Trudy Bitter Rosser	2044SP-1	8541

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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

EXAMINER

STERLING, AMY JO

ART UNIT PAPER NUMBER

3632

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,676

Applicant(s)

ROSSER ET AL

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 3/25/05.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first Office Action for application number 10/820,676, Support System, filed on 4/7/04. Claims 1-12 are pending. This application claims priority to Australia 200400837 dated 2/18/2004.

Election/Restrictions

No claims are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species in accordance with Figure 2, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 3/9/06.

The traversal is on the ground(s) that the species all depict the same window box invention coupled to different supports, the supports not being claimed. It is also noted that the examiner has not recited reasons why the species are patentably distinct. This is not found persuasive because attaching the window support to different supports requires a different structure of attachment which pertains to the support itself, the support can be claimed during prosecution and the examiner has stated reasons for an election of species in that the species are considered patentably distinct. Also, the applicant has not admitted on the record that the different embodiments are obvious in view of each other.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

The information disclosure statements submitted on 3/25/05 and 11/8/04 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Objections

Claims 2 and 7 are objected to because of the following informalities:

Appropriate correction is required.

Claims 2 and 7 recite, "adjustable engaged" and this should be changed to "adjustably engaged".

Claim 7 recites, "second arm ban" and this should be changed to "second arm can".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-7 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 3765632 to Riggs.

The patent to Riggs discloses a support system (2) having a structure (6, 26) having a substantially planar frame (26) with a planar surface and a receptacle (6)

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having a base a peripheral structure extending from the base and an upper end defining an opening, at least one first engagement mechanism (to part of 44) integrally formed with the structure at the upper end of the peripheral wall and a first adjustably engaged arm (66) for each of the first engagement mechanisms, each first arm (66) having a proximal end engaged in a respective first engagement mechanism and an opposite distal end (70) shaped to hook over a support, wherein the support system has a first releasable locking mechanism (68) which releasably locks the distal end of the first arm at one of a plurality of distances from the structure. Riggs also teaches a second engagement mechanism (bottom of 44) integrally formed with the structure adjacent to the base and a second adjustably engaged arm (80) for each second engagement mechanism, the second arm disposed at a position below where the first arm hooks over the support, the second arm having a proximal end engaged in a respective second engagement mechanism and an opposite distal end configured to abut a support.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No 3765632 to Riggs as applied to claims 1-3 above, and in view of United States Patent No. 5873555 to Crace.

Riggs discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show wherein the releasably locking mechanism has a plurality of ratchet teeth formed on one of the first arm and a pawl formed on the first engagement mechanism, the pawl biased into engagement with the teeth.

Crace teaches a support system having a support (10) and a structure (50) the support having a first engagement structure (15) and a first arm (18) with a hook (20) and a releasably locking mechanism (16, 22, 25) which has a plurality of ratchet teeth (22) formed on one of the first arm and a pawl (25) formed on the first engagement mechanism, the pawl biased (by 16) into engagement with the teeth. This configuration used so that the adjustments can be incremental. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Crace to have substituted the locking mechanism for the teeth and pawl in order to have incremental adjustments.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No 3765632 to Riggs as applied to claims 1, 5 and 7 above.

Riggs does not specifically teach a second releasable locking mechanism in conjunction with the second arm, but it would be obvious to one of ordinary skill in the

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art to have used the very same locking mechanism (68) as taught with regards to the first arm in connection with the second arm to have a sturdier support with both arms being releasably locked at the same time.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show various support systems


5779206 to Harris et al.

4984722 to Moore

4739582 to Cullinane

3477679 to Lovitz

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


Amy J. Sterling
3/25/06